

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 164 of 1994

Wednesday this the 23rd February, 1994

CORAM

Hon'ble Mr. Justice Chettur Sankaran Nair, Vice Chairman

Hon'ble Mr. P. V. Venkatakrishnan, Administrative Member

M. V. Raju,
Part-time Gardener
Taliparamba HPO.Applicant

(By Advocate Miss: H. Bineetha)

Vs.

1. Superintendent of Post Offices,
Kannur Division, Kannur-1
2. Sub Divisional Inspector of
Post Offices, Taliparamba Sub
Division, Taliparamba-670141.
3. Post Master General,
Northern Region, Calicut.
4. T. V. Lakshmanan,
Thundivalappil, Pattuvam PO,
Taliparamba.
5. Chief Post Master General,
Kerala Circle, Trivandrum.Respondents

(By Advocate Mr. T. M. Ibrahim Khan through Mr. Shefik)
for Respondents 1 to 3 and 5,
Mr. M. Sasindran (for R.4)

ORDER

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

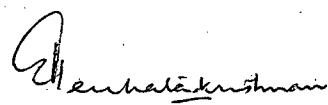
Applicant now working as a "part-time Gardener" in Taliparamba Head Post Office seeks a declaration that he is entitled to be appointed to the post of Extra Departmental Mail Carrier, Aril Branch Post Office. He relies on Annexure A2 to support his claim. On the language of Annexure A2, applicant submits that outsiders cannot be considered for appointment, if persons falling in categories (a) to (d) in paragraph 1 of that order are available. He would also submit that rejection of his candidature is based on two untenable grounds. One ground is that applicant did not

come through the Employment Exchange. After taking him as a casual employe, it is not for respondents to have condemned him as not having come through the Employment Exchange. However, this Tribunal does not sit in judgment on the facts, upon which a decision has been reached by the administrative authority. The review is directed against the decision making process and not the decision. Notwithstanding that, applicant will be free to appeal against the appointment granted to 4th respondent on its merits to the Chief Post Master General, if he so desires. We make it clear that we do not express any opinion, on the merits, nor do we indicate in what manner the Chief Post Master General should act. It is for him to decide.

2. If an appeal/representation is made, the Chief Post Master General shall pass appropriate orders with reference to the rules and orders governing the matter including Annexure.A2. He will also afford an opportunity to 4th respondent to put forward his case, orally or through a representation. A decision will be taken, within three months of the date of receipt of the representation/appeal.

3. Application is disposed of with the aforesaid directions.
No costs.

Dated the 23rd February, 1994.



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN